



DEPARTMENT OF THE ARMY  
United States Army Criminal Investigation Command  
Expeditionary Fraud Resident Agency  
Major Procurement Fraud Unit  
6310 Little River Turnpike Suite 200  
Alexandria, VA 22312

CISA-EFRA

14 July 2010

MEMORANDUM FOR Staff Judge Advocate, U.S. Army Criminal Investigation Command, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060

SUBJECT: Preliminary Screening Inquiry – Attorney Kreeger-Norman

1. I conducted a preliminary screening inquiry (PSI) into allegations Attorney Lisa Kreeger-Norman engaged in professional misconduct. I conclude Attorney Kreeger-Norman engaged in professional misconduct. I also conclude Attorney Kreeger-Norman's actions raise a substantial question as to her fitness to practice law. Attorney Kreeger-Norman resigned during the PSI and subsequently refused to participate in the PSI. I therefore recommend the Army notify Attorney Kreeger-Norman's state bar of her professional misconduct.
2. I conducted the PSI in accordance with your memorandum of 16 June 2010, AR 27-1, and AR 15-6. Based on my independent review of the evidence, I make the following findings of fact:
  - a. The U.S. Army employed Lisa Kreeger-Norman to serve as both an attorney and ethics advisor at the Army's Criminal Investigation Laboratory (USACIL). Attorney Kreeger-Norman resigned on 25 June 2010. Prior to resigning, she was reportedly a member of the Florida bar.
  - b. Mr. Chelko, USACIL's Director, hired Attorney Kreeger-Norman to zealously defend USACIL. She was to advise Mr. Chelko and Mr. Abernathy, USACIL's Chief of Staff, on legal and ethical issues. Attorney Kreeger-Norman's office was co-located with Mr. Chelko and Mr. Abernathy's offices.
  - c. Mr. Tontarski served as USACIL's Chief of the Forensic Analysis Division and reported directly to Mr. Chelko. Mr. Tontarski supervised Mr. Mikko, the Chief of the Firearms and Toolmarks Branch. Mr. Mikko had a poor professional relationship with Mr. Tontarski. Attorney Kreeger-Norman likewise regularly displayed personal animus toward Mr. Tontarski.
  - d. On 16 April 2008, Mr. Tontarski advised Mr. Chelko of his concerns regarding Attorney Kreeger-Norman. Mr. Tontarski cautioned, "**From my perspective she is crossing back and forth between the bounds of friendship with staff and her fiduciary responsibilities to management and the Laboratory.**" (Emphasis added).

- e. On 24 April 2008, Mr. Tontarski also expressed concern to Messrs. Chelko and Abernathy that on occasion Attorney Kreeger-Norman's legal advice was improperly "influenced by her relationship" with another USACIL employee.
- f. During fiscal year (FY) 2008, Attorney Kreeger-Norman served as USACIL's only Ethics Counselor. Attorney Kreeger<sup>1</sup> was to provide "prompt guidance and insures compliance with DOD and DA legal and ethical requirements regarding work place conduct: illegal actions of discrimination, harassment, retaliation, misconduct, or violations of USACIL quality controls. **Ensures EEO/EO principles are adhered to throughout the organization.** Assists USACIL management, USACIL examiners and DOD JAG attorneys in maintaining the highest standards of professionalism." (Emphasis added).
- g. During FY 2008, for performance purposes, Mr. Abernathy served as Attorney Kreeger-Norman's rating official/supervisor and Mr. Chelko served as her reviewer. The USACIDC SJA provided technical supervision. Starting in FY 2010, the USACIDC SJA served as Attorney Kreeger-Norman's rating official for performance purposes.
- h. In May of 2008, Attorney Kreeger-Norman, Mr. Tontarski, Mr. Doyne, and former employee Chris Taylor were on temporary duty (TDY). While TDY, they shared the same rental car. Attorney Kreeger-Norman maintains that as they were driving in the rental car she overheard Mr. Doyne comment on Mr. Mikko hiring a co-worker's son and a "Black" or a minority. The exact statement Attorney Kreeger-Norman claims she overheard is in dispute. Neither Mr. Tontarski, Mr. Doyne nor Mr. Taylor recall Mr. Doyne talking to Mr. Tontarski about Mr. Mikko hiring Mr. Coffey's son. Likewise, none of them recall Mr. Doyne using the word "black" or in any way referring to "Blacks," African Americans or minorities.
- i. Attorney Kreeger-Norman returned early from the TDY, walked to Mr. Mikko's office, and told Mr. Mikko that she had some "hot news." Attorney Kreeger-Norman told Mr. Mikko that while TDY Mr. Doyne stated to Mr. Tontarski, "can you believe Mikko is hiring Coffey's kid, and he's even going to hire a minority." Mr. Mikko states that he told Attorney Kreeger-Norman that he was upset by the alleged statement because the selection process was then on-going and asked why Mr. Doyne would be "bent out of shape" about hiring minorities.
- j. Attorney Kreeger-Norman repeated Mr. Doyne's alleged statement to Mr. Mikko because of her friendship with Mr. Mikko and dislike for Mr. Tontarski. She knew that the alleged statement would further alienate Messrs. Mikko and Tontarski.
- k. Attorney Kreeger-Norman has given inconsistent statements as to what she thinks she overheard while riding in the rental car. In May of 2008, she told Mr. Mikko that Mr. Doyne was then speaking in the future tense. In December of 2009, she told Mr. Chelko that she understood the hiring action was completed and thought that Mr. Doyne was speaking in the past tense.

<sup>1</sup> While employed at USACIL, Attorney Kreeger married a co-worker and changed her name to Kreeger-Norman.

- l. In May of 2010, Attorney Kreeger-Norman testified that she believes she overheard Mr. Doyne tell Mr. Tontarski, “[D]id you know that Mikko hired Coffey's kid.” (Tr. 269, 11-15). She also testified that in making the comment she thought she heard Mr. Doyne state “either some or several or a black.” (Tr. 269, 11-15). Attorney Kreeger-Norman then understood Mr. Doyne’s alleged use of the word “black” to be “in a racial context.” (Tr. 275, 14-19). She did not think that Mr. Doyne was referring to a “Mr. Black.” (Tr. 276, 13-25).
- m. While TDY, Mr. Doyne was concerned that Mr. Mikko wanted to hire a “White” applicant, a “Mr. Black.” Mr. Doyne considered “Mr. Black” to be unqualified for the position. Mr. Doyne thought that Mr. Mikko wanted to hire Mr. Black because Mr. Mikko previously taught Mr. Black.
- n. Prior to Mr. Bell being hired, Mr. Doyne did not meet or speak with Mr. Bell, an African American applicant. Mr. Doyne did not know that Mr. Bell or any of the applicants were African American. Mr. Doyne did not oppose hiring Mr. Bell. Out of the 60 candidates considered, Mr. Doyne rated Mr. Bell 7th for the firearm and toolmark examiner student position.
- o. Mr. Doyne recommended against interviewing Mr. Black for the position. Mr. Mikko, however, rated Mr. Black high enough so that Mr. Black would qualify for an interview. With the exception of Attorney Kreeger-Norman’s allegation, no USACIL employees allege Mr. Doyne ever referred to an individual’s race or color. I therefore find that if Attorney Kreeger-Norman overheard Mr. Doyne say “black,” Mr. Doyne was then referring to a “Mr. Black” and not to an applicant’s race or color.
- p. Shortly after the TDY, Mr. Tontarski warned Mr. Chelko that Attorney Kreeger-Norman’s **“actions may be personally driven** rather than mission driven. It may be **animosity toward me ...”** (Emphasis added).
- q. Soon after USACIL hired Mr. Bell, Mr. Mikko repeated Attorney Kreeger-Norman’s “TDY story” to Mr. Bell. That same day Attorney Kreeger-Norman also repeated the TDY story told to Messrs. Bell and Mikko. Moreover, she subsequently told Mr. Bell that “you can thank me for being here” and indicated that some USACIL employees did not want to hire African Americans.
- r. On at least one but possibly two or more occasions, Attorney Kreeger-Norman retold the “TDY story” to Mr. Bell and others while drinking alcoholic beverages at informal gatherings.
- s. Based in part on Attorney Kreeger-Norman’s actions, Mr. Bell filed an EEO complaint against the Army. The complaint included the following allegation: “Claim Five: The aggrieved learned from USACIL attorney, Lisa Kreeger-Norman, of a comment by Mr. Bill Doyne to Mr. Tontarski, saying, ‘can’t believe that Mikko is hiring Coffey’s kid and worse yet he’s hiring a minority,’ after which they both laughed.”

- t. In his review of Attorney Kreeger-Norman's duty performance, Mr. Abernathy tempered his recognition of Attorney Kreeger-Norman's "epic successes." He noted that there was a "deepening division" between her and Mr. Tontarski which "adversely affected the laboratory's operations." Mr. Abernathy also noted Attorney Kreeger-Norman's "[p]oor working relations with and refusal to accept legal guidance and technical supervision from the HQUSACIDC SJA."
- u. In December of 2009, Attorney Kreeger-Norman told Mr. Chelko that it was possible that Mr. Doyne was then talking about a "Mr. Black" and stated that it would be "ironic" if she misheard Mr. Doyne as she would then be a witness for Mr. Tontarski.
- v. Attorney Kreeger-Norman declined the opportunity to present evidence to the PSI.

3. As directed, I considered whether Attorney Kreeger-Norman's action constitute a violation of the Rules of Professional Conduct for Lawyers ("Rules" or "Rule"), AR 27-26, or other ethical standards. As detailed below, I conclude Attorney Kreeger-Norman violated the following Rules: the Rules' core principals; Rule 1.1 Competence; Rule 1.3 Diligence; Rule 1.4 Communication; Rule 1.6 Confidentiality of Information; and Rule 2.1 Advisor. I further conclude that these violations raise a substantial question as to her fitness to practice law and, possibly, her honesty.

### **DID ATTORNEY KREEGER-NORMAN VIOLATE THE RULES' CORE PRINCIPALS BY IGNORING A PERCEIVED RACIALLY DISCRIMINATORY STATEMENT?**

The Rules of Professional Conduct for Lawyers include general and specific principals governing lawyers' behavior. A lawyer's actions may implicate the Rules' core principals, outlined in AR 27-26, para. 6. A single act may also violate multiple Rules.

Army Regulation 27-26 provides that a lawyer's responsibilities extend to her clients, the legal system, and others. A lawyer is also guided by her personal conscience and the approbation of her peers. *AR 27-26, para. 6 (f)*. Further, "it is a lawyer's duty, when necessary, to challenge the rectitude of official action." *AR 27-26, para. 6 (d)*. The Army and other organizations recognize lawyers' shared commitment to the rule of law and frequently appoint lawyers to serve as their ethics advisors. In this capacity, lawyers are often required to instruct their superiors and co-workers on equal employment laws and other ethical behavior. Under the Rules, lawyers are required to consider the impact of their actions on their clients, the legal system, and others. Thus, it is not only the fictional attorney "Atticus Finch" who is expected to confront racial discrimination on behalf of a client: the Rules require this of all lawyers.

In this instance, Attorney Kreeger-Norman ignored what she thought was an attempt by Mr. Doyne and possibly Mr. Tontarski to unlawfully inject race into the hiring process. The Army and USACIL rely on its lawyers and ethics advisors to confront and prevent unlawful discrimination in the workplace. In extraordinary circumstances, it may be excusable for an ethics advisor/attorney to briefly delay challenging perceived racial discrimination. Attorney Kreeger-Norman however never advised her client of the perceived discrimination. By failing to

respond to what she understood was a racial discrimination in the workplace, Attorney Kreeger-Norman ignored her obligation as an Army lawyer to confront unlawful racism. In fact, Attorney Kreeger-Norman's inaction could be interpreted as condoning the alleged discrimination. She discredited herself, the Army, USACIL, and the legal profession. Attorney Kreeger-Norman also ignored her responsibilities to her co-workers, other job applicants, and the entire legal system. In so doing, she violated the Rules' core principles and earned the disapprobation of her peers.

**DID ATTORNEY KREEGER-NORMAN COMPETENTLY REPRESENT HER CLIENT AS REQUIRED UNDER RULE 1.1?**

By failing to promptly and properly respond to what she then understood to be an unlawful, unprofessional, and unethical statement by Mr. Doyne, Attorney Kreeger-Norman failed to competently represent USACIL in violation of Rule 1.1. The fact that she erroneously misquoted Mr. Doyne does not mitigate her duty to competently represent her client. On the contrary, competent counsel would clarify an unlawful statement so that her client could take appropriate action.

Rule 1.1 states, a "lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation." The governing Comment explains that in "determining whether a lawyer employs the requisite knowledge and skill in a particular matter, relevant factors include the relative complexity and specialized nature of the matter, the lawyer's general experience, the lawyer's training and experience in the field in question... In most instances, the required proficiency is that generally afforded to clients by other lawyers in similar matters."

On this the fiftieth year anniversary of the publishing of "To Kill a Mockingbird," even a young child understands that it is unconscionable to discriminate against an applicant on the basis of his race or color. Nonetheless, racial discrimination persists. No specialized legal knowledge or skills are required to understand the potentially adverse consequences flowing from a supervisor improperly commenting on a candidate's race. The most inexperienced lawyer understands that a client's interests are likely threatened by racial remarks.

As USACIL's ethics counselor and attorney, Attorney Kreeger-Norman should have understood the importance of timely combating the perceived discrimination and advising USACIL of the alleged misconduct. Attorney Kreeger-Norman breached her obligation to provide competent representation to USACIL under Rule 1.1 by failing to inform Mr. Abernathy, Mr. Chelko or the USACIDC SJA of the alleged statement. She then compounded her incompetence by repeating the "TDY story" to her co-workers. Attorney Kreeger-Norman erroneously told Mr. Bell that she was responsible for his being hired and asked for his thanks. In fact, she created the appearance of racial discrimination. Thus, instead of asking Mr. Bell for his thanks, she should ask USACIL for its forgiveness for her incompetence.

Moreover, the Comments provide that "competent handling of a particular matter includes inquiry into and analysis of the fact[s] ..." In this instance, even an inexperienced attorney or ethics advisor would have understood the importance of determining what Mr. Doyne actually said. If Attorney Kreeger-Norman had asked Messrs. Doyne, Tontarski or Taylor to repeat Mr. Doyne's statement, she could then have competently represented her client. By failing to analyze or determine what Mr. Doyne said, Attorney Kreeger-Norman deprived USACIL of competent representation. No competent attorney or ethics advisor would wait over a year to

investigate Mr. Doyne's statement. Attorney Kreeger-Norman erroneously told Mr. Chelko that it would be "ironic" if she had misquoted Mr. Doyne. Her conduct was not "ironic"; rather, it was foreseeable that failing to determine the facts would prevent her from competently representing her client. In so doing, Attorney Kreeger-Norman violated Rule 1.1.

### **DID ATTORNEY KREEGER-NORMAN DILIGENTLY REPRESENT HER CLIENT AS REQUIRED UNDER RULE 1.3?**

I conclude Attorney Kreeger-Norman violated Rule 1.3. This Rule provides that a "lawyer shall act with reasonable diligence and promptness in representing a client and in every case will consult with a client as soon as practicable and as often as necessary after undertaking representation." The Comments to Rule 1.3 explain a lawyer's obligation to diligently represent her client:

A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and may take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer should act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. ... Perhaps no professional shortcoming is more widely resented than procrastination. A client's interest often can be adversely affected by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. ... [U]nreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness.

Attorney Kreeger-Norman represented USACIL. *See, Rule 1.13.* In May of 2008, Attorney Kreeger-Norman suspected Messrs. Doyne and Tontarski of unlawfully injecting race into the hiring process. She did not, however, inform the USACIL Director or his Chief of Staff of the potential misconduct. Instead of advising her reviewer or her rater, whose offices were co-located with her, Attorney Kreeger-Norman traversed the USACIL and went to Mr. Mikko's office. She told Mr. Mikko she had "hot news" involving Mr. Mikko's supervisor. Attorney Kreeger-Norman shared Mr. Mikko's animosity towards Mr. Tontarski. I therefore conclude that Attorney Kreeger-Norman was "gossiping" with her friend when she told Mr. Mikko her "TDY story." She was not notifying her client of a potential claim or possible violation of law. If she wanted to discuss this matter with her client, she would have promptly told either Mr. Abernathy or Mr. Chelko.

In late 2009, Mr. Chelko asked Attorney Kreeger-Norman why she failed to report Mr. Doyne's alleged statement. Attorney Kreeger-Norman claimed that she thought that the hiring had already took place. Even if true, Attorney Kreeger-Norman's obligation to diligently represent USACIL required that she notify the USACIL Director or his Chief of Staff so that USACIL could investigate and remedy the suspected misconduct. Moreover, Attorney Kreeger-Norman's assertion is inconsistent with the TDY story she told Mr. Mikko and Mr. Bell. Additionally, months after Attorney Kreeger-Norman told Mr. Mikko her "hot news," she told Mr. Bell that she was responsible for his being hired. This is further evidenced by Attorney Kreeger-Norman repeating her "TDY story" at the Getaway Club and other locations. Attorney Kreeger-Norman would not have repeated her TDY story on at least three occasions if she believed that Mr. Doyne's alleged comment related to a completed hiring decision. Ultimately,

Attorney Kreeger-Norman's failure to diligently represent USACIL undermined its confidence in her.

**DID ATTORNEY KREEGER-NORMAN MAINTAIN ADEQUATE COMMUNICATIONS WITH HER CLIENT AS REQUIRED UNDER RULE 1.4?**

I conclude that Attorney Kreeger-Norman violated Rule 1.4. This Rule provides that a "lawyer shall keep a client reasonably informed about the status of a matter." The comments to Rule 1.4 provide that the "[a]dequacy of communication depends in part on the kind of advice or assistance involved. ... The guiding principle is that the lawyer should fulfill reasonable client expectations for information consistent with the duty to act in the client's best interests, and the client's overall requirements as to the character of representation. .... When the client is the Army... ordinarily, the lawyer should address communications to the appropriate officials of the Army.

For the reasons detailing my conclusions that Attorney Kreeger-Norman violated Rule 1.3, I also conclude that Attorney Kreeger-Norman failed to maintain adequate communications with USACIL concerning her conclusion that Messrs. Doyne and Tontarski engaged in unlawful employment actions. Attorney Kreeger-Norman was then USACIL's ethics advisor and only attorney physically located at USACIL. USACIL relied upon her to advise it of known or suspected EEO violations. Instead of communicating with her client, Attorney Kreeger-Norman discussed a possible EEO complaint with her co-workers. In so doing, she violated Rule 1.4.

**DID ATTORNEY KREEGER-NORMAN MAINTAIN THE CONFIDENTIALITY OF HER CLIENT'S INFORMATION AS REQUIRED UNDER RULE 1.6?**

I conclude that Attorney Kreeger-Norman violated Rule 1.6(a). This Rule provides that a "lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b), (c), and (d)." The comments to Rule 1.6 provide, in relevant part, as follows:

One of the lawyer's functions is to advise clients so that they avoid any violation of law in the proper exercise of their rights.

...

The observation of the ethical obligation of a lawyer to hold inviolate confidential information of the client not only facilitates the full development of facts essential to proper representation of the client but also encourages people to seek early legal assistance.

...

A fundamental principle in the client-lawyer relationship is that the lawyer maintain confidentiality of information relating to the representation. The client is thereby encouraged to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter.

...

The confidentiality rule applies not merely to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by these Rules of Professional Conduct or other lawful order, regulation or statute.

Attorney Kreeger-Norman obtained what she understood to be confidential information pertaining to an aberration in USACIL's hiring process. At the time, Attorney Kreeger-Norman was an ethics advisor and the only lawyer physically located at USACIL. One of her functions was to advise USACIL so that it could comply with EEO laws. Pursuant to Rule 1.6, Attorney Kreeger-Norman was obligated to maintain the confidentiality of the alleged statement and her opinion that USACIL employees opposed hiring minorities. By withholding her TDY story from her client and sharing it with her co-workers, Attorney Kreeger-Norman violated Rule 1.6 and impeded USACIL from determining what Mr. Doyne actually said.

**DID ATTORNEY KREEGER-NORMAN'S OWN INTEREST OR OTHER FACTORS CONSTITUTE A CONFLICT OF INTEREST UNDER RULE 1.7?**

I conclude that there is insufficient evidence to support a finding that Attorney Kreeger-Norman violated Rule 1.7(b). This Rule provides that, unless certain exceptions are satisfied, a "lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interest." The comments to Rule 1.7 provide, in relevant part, as follows:

Loyalty is an essential element of the lawyer's relationship to a client.

...

Loyalty to a client is also impaired when a lawyer cannot consider, recommend or carry out an appropriate course of action for the client because of the lawyer's other ... interests. The conflict in effect forecloses alternatives that would otherwise be available to the client. ... A possible conflict does not itself preclude the representation. The critical questions are the likelihood that a conflict will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client.

The lawyer's own interests should not be permitted to have an adverse effect on representation of a client. ... If the propriety of a lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client detached advice.

I am unable to determine Attorney Kreeger-Norman's motivations for violating the Rules. On occasion it appeared to USACIL employees that Attorney Kreeger-Norman's legal advice was tainted by her animosity toward Mr. Tontarski. She was also friends with Mr. Mikko and Mr. Bell which may have played a role in her actions. Thus, there is some evidence that Attorney Kreeger-Norman's personal opinions may have prevented her from representing

USACIL. The Comments however caution that “[c]onflicts of interest in contexts other than litigation … may be difficult to assess.”

Attorney Kreeger-Norman told Mr. Chelko, it would be “ironic” if she had misheard Mr. Doyne because she would then be an important witness for Mr. Tontarski. This statement evidences Attorney Kreeger-Norman’s willingness to represent USACIL in matters involving Mr. Tontarski. In my opinion, absent additional evidence, there is insufficient evidence to conclude Attorney Kreeger-Norman’s interests prevented her from representing USACIL.

**DID ATTORNEY KREEGER-NORMAN USE INFORMATION CONCERNING HER CLIENT TO HER CLIENT’S DISADVANTAGE UNDER RULE 1.8?**

I conclude Attorney Kreeger-Norman most likely did not violate Rule 1.8. This Rule provides that a “lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client consents after consultation.” The Comments to the Rule provide, in relevant part, as follows:

A lawyer may not exploit information relating to the representation to the client’s disadvantage. For example, a lawyer who has learned that the client is investing in specific real estate may not, without the client’s consent, seek to acquire nearby property where doing so would adversely affect the client’s plan for investment.

Attorney Kreeger-Norman inappropriately discussed information concerning USACIL. Her actions created conflict between USACIL employees and likely motivated a USACIL employee to file an EEO complaint against USACIL. Nonetheless, it does not appear that she intentionally “used” or “exploited” the information. It appears that Attorney Kreeger-Norman’s actions are covered by other Rules, most notably Rule 1.6. Thus, I conclude that Attorney Kreeger-Norman did not violate Rule 1.8.

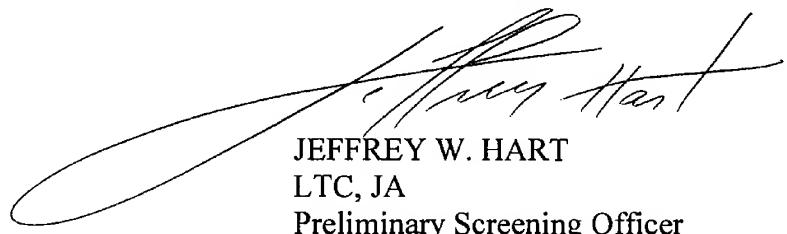
**DID ATTORNEY KREEGER-NORMAN PROPERLY SERVE AS AN ADVISOR AS REQUIRED UNDER RULE 2.1?**

I conclude Attorney Kreeger-Norman violated Rule 2.1. This Rule establishes a lawyer’s obligation to serve as an advisor. It provides “[i]n representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social, and political factors, that may be relevant to the client’s situation, but not in conflict with the law.”

In this matter, USACIL employed Attorney Kreeger-Norman to serve as both an ethics advisor and as its lawyer. Attorney Kreeger-Norman was also subject to Executive Order 12674 which provides that “[e]mployees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin or handicap.” USACIL employed Attorney Kreeger-Norman to render candid advice and assist in preventing unethical and illegal behavior. As discussed above, Attorney Kreeger-Norman failed to advise her client of a perceived unethical and illegal statement by Mr. Doyne. If Attorney Kreeger-Norman properly functioned as an advisor, USACIL may have avoided an EEO complaint. In failing to render candid advice, Attorney Kreeger-Norman violated Rule 2.1.

4. I conclude that Attorney Kreeger-Norman's violations of the Army Rules of Professional Conduct for Lawyers raise a substantial question as to her fitness to practice law. Her explanation to Mr. Chelko as to why she failed to communicate the possible claim to USACIL may also raise a substantial question as to her honesty. Attorney Kreeger-Norman resigned while the PSI was pending and subsequently refused to participate in the PSI. Accordingly, I recommend the Army consider suspending her right to practice before military tribunals, if any, recommend against rehiring her, and advise her state bar(s) of these findings.

5. POC is the undersigned at 703-201-8785 and at [jeffrey.hart@us.army.mil](mailto:jeffrey.hart@us.army.mil).



JEFFREY W. HART  
LTC, JA  
Preliminary Screening Officer



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CRIMINAL INVESTIGATION COMMAND**  
**6010 6TH STREET**  
**FORT BELVOIR, VA 22060-5506**

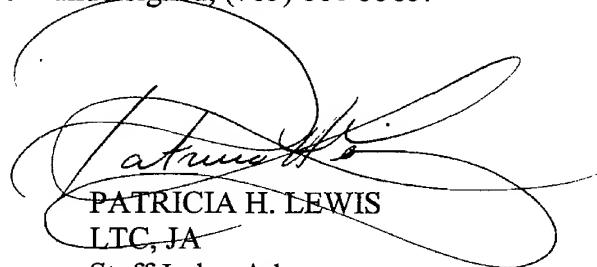
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28 July 2010

MEMORANDUM FOR Professional Responsibility Branch, (ATTN: DAJA-PR), Office of the Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209-2194

SUBJECT: Preliminary Screening Inquiry – Ms. Lisa Kreeger-Norman

1. I reviewed the Preliminary Screening Inquiry (PSI) conducted by LTC Jeffrey W. Hart, which looked into allegations that Ms. Lisa Kreeger violated AR 27-26, Army Rules of Professional Conduct for Lawyers (ARPCL) and that her alleged violations raise a substantial question as to her honesty, trustworthiness, and/or fitness as a lawyer.
2. The PSI officer found several violations of the ARPCL by Ms. Kreeger-Norman which raise a substantial question as to her fitness to practice law. In accordance with the rules, I am forwarding this inquiry to the Professional Responsibility Branch for review and further action. Since Ms. Kreeger-Norman resigned prior to the completion of this inquiry I recommend the entire investigation be kept on file with the Professional Responsibility Branch, in the event she decides to seek employment with the Army Judge Advocate General's Corps in the future.
3. The point of contact for this action is the undersigned, (703) 806-3383.



PATRICIA H. LEWIS  
LTC, JA  
Staff Judge Advocate